



~~March 20, 2007 CPC~~
~~April 17, 2007 CPC~~
~~May 23, 2007 BS~~
July 25, 2007 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0255

Rebkee Partners Westchester

Midlothian Magisterial Districts
North line of Midlothian Turnpike

REQUESTS:

Request I: Rezoning from Agricultural (A) to General Industrial (I-2) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on 10.0 acres.

Request II: Conditional Use to permit commercial uses on 16.0 acres currently zoned General Industrial (I-2).

PROPOSED LAND USE:

Commercial, office and industrial uses are planned

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL OF THE REZONING (REQUEST I) AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 5. RECOMMEND DENIAL OF THE CONDITIONAL USE (REQUEST II).

STAFF RECOMMENDATION

Request I:

Recommend approval for the following reasons:

The proposed zoning to General Industrial (I-2) with Conditional Use Planned Development conforms to the Route 288 Corridor Plan which identifies the area as a strategic location for economic development appropriate for industrial uses.

Request II:

Recommend denial for the following reason:

While the Plan suggests small scale, retail uses incorporated into a larger development may be appropriate under certain circumstances, the proposal fails to comply with the criteria under which such uses would be appropriate.

- (NOTES: A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.
- B. IT SHOULD BE NOTED THAT REVISIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO REVIEW THE REVISIONS.)

PROFFERED CONDITIONS

The Owners and the Developer (the "Developer") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Numbers part of 714-711-2160 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for I-2 with conditional use planned development and the conditional use is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

References to Road A and Road B are found on Exhibit B – Plan titled "Shoppes at Westchester West, Zoning Exhibit" prepared by Balzer and Associates, Inc., and last revised March 29, 2007, which is attached to the Textual Statement.

1. Dedication. The following rights-of-way shall be dedicated, free and unrestricted, to Chesterfield County, prior to any site plan approval or within sixty (60) days from a written request by the Transportation Department, whichever occurs first.

The exact location of these rights-of-way shall be approved by the Transportation Department.

- A. Dedication of a ninety (90) foot wide right-of-way for the proposed east-west major arterial ("Road A") from the northern Property line to Route 60.
- B. Dedication of a ninety (90) foot wide right-of-way for the proposed east-west major arterial ("Road B") from Road A to Huguenot Springs Road.
- C. Dedication of forty-five (45) feet of right-of-way from the centerline of Huguenot Springs Road along that part of Huguenot Springs Road immediately adjacent to the Property.

2. Access.

- A. Direct vehicular access from the property to Huguenot Springs Road shall be limited to Road B.
- B. Direct vehicular access from Road A to the portion of the Property west of Road A shall be limited to one (1) entrance/exit designed to preclude exiting the Property from traveling north on Road A . The exact design of this access shall be approved by the Transportation Department at the time of site plan approval.
- C. Prior to any site plan approval, an access plan from the Property to Road A or Road B, shall be submitted to and approved by the Transportation Department. Vehicular access from the Property to these roads shall conform to the approved access plan.

3. Road Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following improvements. If any of the improvements are provided by others, as determined by the Transportation Department, then the specific required improvement shall no longer be required of the Developer. The exact design and length of these improvements shall be approved by the Transportation Department.

- A. Construction of a four-lane divided road, to VDOT Urban Minor Arterial Standards (50MPH) with modifications approved by the Transportation Department, for Road A from the northern property line to Route 60.
- B. Construction of a two-lane road, to VDOT Urban Minor Arterial Standards (50MPH) with modifications approved by the Transportation Department, for Road B from Road A to Huguenot Springs Road.

- C. Improve/widen the east side of Huguenot Springs Road for the entire Property frontage to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department.
- D. Construction of additional pavement along Huguenot Springs Road at the Road B intersection to provide left and right turn lanes.
- E. Construction of additional pavement along Road A, Road B, and at each approved access, including the Road A/Road B intersection, to provide left and right turn lanes, based on Transportation Department standards.
- F. Construction of traffic management device(s) to control turning movements/access in accordance with Proffered Condition 2.B. above.
- G. Construction of a new crossover on Route 60 to serve Road A, if approved by VDOT, including left turn lanes in both eastbound and westbound directions.
- H. Construction of additional pavement along Route 60 at the Road A intersection to provide right turn lane.
- I. Construction of additional pavement along Road A at its intersection with Route 60, to provide a six-lane typical section [i.e., two (2) northbound lanes and four (4) southbound lanes].
- J. Full cost of traffic signalization at the Road B and Huguenot Springs Road intersection; at the Road A and Road B intersection; at the Route 60 and Road A intersection; and at each approved access onto Road A and onto Road B, if warranted, as determined by Transportation Department.
- K. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire any “off-site” right-of-way that is necessary for the road improvements described in this Proffered Condition, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the “off-site” right-of-way, the Developer shall be relieved of the obligation to acquire the “off-site” right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department.

4. Phasing Plan. Prior to any site plan approval, a phasing plan for the improvements identified in proffered condition 3 shall be submitted to and approved by the Transportation Department.

GENERAL INFORMATION

Location:

North line of Midlothian Turnpike, east of Huguenot Springs Road, also fronts the east line of Huguenot Springs Road, south of Dragonnade Trail. Tax ID 714-711-Part of 2160.

Existing Zoning:

A and I-2 with Conditional Use Planned Development

Size:

26 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - C-3 with CU and CUPD; vacant
South - A and I-2 with CUPD; single family residential or vacant
East - I-2 with CUPD; single family residential or vacant
West - I-2 with CUPD; Single family residential or vacant

UTILITIES

Public Water System:

The request site is currently served by an existing twenty-four (24) inch water line located along Midlothian Turnpike, a twelve (12) inch water line along Huguenot Springs Road, and by the Huguenot Springs storage tank. Future sixteen (16) inch water lines, as proffered for Case 06SN0191, are required along Watkins Centre Parkway and along the future connector roads between Route 60 and Huguenot Springs Road. In accordance with the Route 288 Corridor Plan and Chapter 18 of the Code of Chesterfield, use of public water is required.

Public Wastewater System:

The request site lies within the Michaux Creek drainage basin. The closest existing sewer line is the Michaux Creek Wastewater Trunk Line east of Route 288. Plans for the Watkins

Centre Outfall Sewer and The Village of Westchester Off-Site Sewer are under design and propose to extend the public wastewater system to serve the adjacent developments east and north of the request site. The majority of this site is hydraulically designed to be served from the Watkins Centre Outfall Sewer Line, and when completed, this line will be approximately 1,200 feet east of this site. In accordance with the Route 288 Corridor Plan and Chapter 18 of the Code of Chesterfield, use of public wastewater is required.

ENVIRONMENTAL

Drainage and Erosion:

The majority of the property drains to the north through tributaries to the James River. A small portion drains to the south under Route 60 to Swift Creek Reservoir.

Water Quality:

For that drainage that will ultimately drain to the south based on the development plans, the developer must comply with the recently amended ordinances and retain water on the site. There are currently no on- or off-site drainage or erosion problems and none are anticipated after development.

PUBLIC FACILITIES

Fire Service:

The Midlothian Fire Station, Company 5, and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical service (EMS). This request will have a minimal impact on fire and EMS.

Transportation:

The property is located on the north side of Route 60 east of Huguenot Springs Road.

The first request is for rezoning to General Industrial (I-2) with a Conditional Use Planned Development on 10 (ten) acres currently zoned Agricultural (A). Based on trip generation rates for a general office, development of the property could generate approximately 1,100 average daily trips. These vehicles will be distributed along Midlothian Turnpike (Route 60) which had a 2005 traffic count of 31,385 vehicles per day, and Huguenot Springs Road which had a 2004 traffic count of 1,318 vehicles per day. Route 60 and Huguenot Springs Road were functioning at acceptable levels (Level of Service B and C, respectively) based on the amount of traffic they carried.

Rezoning of the adjacent property to the north was recently approved (case 06SN0190) with several proffered conditions. The applicants in this case have proffered some of the same conditions included in case 06SN0190.

The Thoroughfare Plan identifies Huguenot Springs Road as a major arterial with a recommended right-of-way width of ninety (90) feet. The applicants have proffered to dedicate forty-five (45) feet of right-of-way adjacent to the property in accordance with this Plan. (Proffered Condition 1.C)

The Plan also identifies an East/West Major Arterial through the property with a recommended right-of-way width of ninety (90) feet. As part of case 06SN0190, this East/West Major Arterial was shifted to the south and split into two sections, shown as Road A and Road B on the attached Exhibit B. The applicants have proffered to dedicate ninety (90) feet of right-of-way through the property in accordance with this Plan. (Proffered Conditions 1.A and B)

Direct access to major arterials should be controlled. The applicants have proffered that direct access from the property to Huguenot Springs will be limited to Road B (Proffered Condition 2.A). Proffered Condition 2.C requires an access plan for Roads A and B to be submitted to and approved by the Transportation Department; however, Proffered Condition 2.B permits one (1) access from the property west of Road A, to Road A itself. This access will be designed to preclude vehicles exiting this portion of the property from traveling north on Road A (i.e. it will be limited to left turns in and right turns in and out only).

The applicants have proffered customary road improvements including construction of Roads A and B through the property, improving Huguenot Springs Road for the entire property frontage, and constructing turn lanes and providing signalization at intersections based on Transportation Department standards (Proffered Condition 3). Proffered Condition 4 permits these improvements to be constructed in phases.

During site plan review, specific recommendations will be made regarding the phasing of improvements and access locations.

The second request is for a conditional use on sixteen (16) acres adjacent to Route 60 to permit commercial uses. This property was rezoned as part of the county's pro-active rezoning, case 06SN0191. The approved Textual Statement (VI.B) established a maximum density for the property included in case 06SN0191. Because the applicants are not requesting to change this maximum density, the conditional use request will have no impact on the overall traffic anticipated to be generated by development of the property in case 06SN0191.

ECONOMIC DEVELOPMENT AND BUSINESS GROWTH RECOMMENDATIONS

The applicant's request for conditional uses to permit commercial uses on sixteen (16) acres currently zoned I-2 with Conditional Use Planned Development causes concern for Economic Development. Specifically, the property proposed for the conditional use is located across from the Watkins Centre Development and fronts Midlothian Turnpike. Although mixed-use development is encouraged in the area, the projects are expected to site

the commercial uses interior to the project in order to avoid commercial “stripping” of development along Midlothian Turnpike.

The proposed rezoning is guided by the County’s Route 288 Corridor Plan which incorporates Chesterfield’s primary opportunities for a Regional Employment Center with office park development. With the construction of Route 288, the area has begun to see tremendous change from development of infrastructure to the location of new residential areas. This area has an excellent transportation network and a concentration of a well-educated work force and is poised to become a Regional Employment Center.

Chesterfield needs more businesses to balance residential growth and provide quality jobs for its citizens. Not all jobs are created equal; attracting “basic sector” jobs, like those associated with corporate offices and light industry, will be of greater benefit to the citizens of Chesterfield County. These jobs are higher paying, with better benefits, and generate spin-off employment in other economic sectors, such as retail and service. Quality jobs are especially important in the Route 288 Corridor planning area, as most of Chesterfield’s workers live in the northwestern part of the County and most of Chesterfield’s major employers are in the eastern part of Chesterfield.

An important factor to successfully locating companies to corporate parks is design quality of both the Park itself and surrounding areas. The Route 288 Corridor Plan calls for the adoption of standards to increase the quality of development required in this area. Allowing commercial uses to front Midlothian Turnpike encourages the piecemeal commercial “stripping” of development along major highways, something that the Route 288 Corridor Plan seeks to avoid.

In summary, Economic Development cannot support the Conditional Use (Request II) for commercial uses fronting Midlothian Turnpike in an area critical to securing Chesterfield’s continued and future economic growth.

LAND USE

Comprehensive Plan:

The request property lies within the Route 288 Corridor Plan. The Plan recognizes this area as the key strategic location of the Route 288 Corridor for future economic development opportunities in this portion of the County. One goal of the Plan is to maximize the economic development potential of the Route 288 Corridor by preserving parcels for economic development. The Plan further discourages encroachment of commercial uses on these prime economic development sites. Specifically, the Plan identifies the request property as a prime site for economic development as a regional employment center appropriate for is appropriate for Light Industrial (I-1) uses as well as General Industrial (I-2) uses subject to appropriate access, buffering and land use transitions. The Plan further provides that under certain circumstances, supporting small scale, retail uses incorporated into a larger development may be appropriate. The intent

being that retail/commercial uses occur as part of an industrial park and that the uses primarily serve the uses within the park.

Area Development Trends:

Area properties are characterized by Agricultural (A) parcels and properties zoned General Industrial (I-2) with Conditional Use Planned Development as part of the Watkins Center Rezoning (Case 06SN0191) and properties zoned Community Business (C-3) with Conditional Use and Conditional Use Planned Development (Case 06SN0190). These properties are currently occupied by single family dwellings, agricultural uses or are vacant. It is anticipated that this area extending west along Midlothian Turnpike from Route 288 to the Powhatan County line and south along the western line of Route 288 to Woolridge Road will be a prime location for basic sector employment, as suggested by the Plan. The Plan further anticipates residential development to the north of the regional employment/lifestyle center.

As the Commission and Board are aware, the proactive Board zoning of the Watkins Center included provisions to accommodate supporting commercial uses to enhance the anticipated regional employment sector uses. To that end, property immediately to the east was conditioned such that the property directly adjacent to the requested Conditional Use area (Request II) were limited to transitional uses such as hotel and office uses. This limitation was intended to establish the commercial boundary and to discourage further strip commercial development along the corridor.

Zoning History:

The portion of the request property zoned General Industrial (I-2) with Conditional Use Planned Development (the sixteen (16) acre portion of the request property on which a Conditional Use is requested to permit commercial uses) was zoned as part of the “Watkins Center” rezoning (Case 06SN0191) by the Board of Supervisors in 2006 which zoned over 786 acres to permit a mix of office, commercial and industrial uses.

Uses and Site Design:

Request I

As outlined in the Textual Statement, uses permitted on the portion of the property to be rezoned to General Industrial (I-2) would include those permitted by right or with restrictions in the Light Industrial (I-1) District as well as a limited number of General Industrial (I-2) uses that are considered compatible with a light industrial/office environment. Further, the Textual Statement provides that development of this area must comply with the requirements of the Employment Center District for Light Industrial (I-1) Districts. The purpose of these standards is to recognize specified areas of the County as unique and to enhance patterns of development in those areas. Except as addressed by the Employment Center District standards, development of the site must also conform to the Emerging Growth District requirements of the Zoning Ordinance. Together, these standards

address access, parking, landscaping, architectural treatment, setbacks, building height, signs, buffers, pedestrian access, lighting, utilities and screening of dumpsters, loading areas and outside storage.

Request II

The Conditional Use would permit commercial uses on this portion of the request property. If approved, this Conditional Use would be a multitude of commercial uses primarily C-1 type uses fronting along Midlothian Turnpike.

While the Plan recommendations support small scale, retail uses under certain circumstances, these uses are anticipated to be incorporated into, and supportive of, a larger industrial development. Similar to the Plan recommendations, the Zoning Ordinance supports the provision of limited retail uses within industrial developments. The Zoning Ordinance establishes circumstances under which commercial uses are appropriate in an industrial area: commercial uses are incorporated into a project of twenty-five (25) acres or more; do not exceed thirty (30) percent of the area occupied by industrial uses; are not located along the periphery of a project; and are primarily for the convenience of employees of the industrial uses. While the Textual Statement provides that the commercial uses will be oriented away from Route 60 to create an internal focus, this request would permit unlimited commercial strip development along Midlothian Turnpike and does not comply with the standards suggested by the Plan and the Ordinance for locating supporting, small scale retail uses in industrial areas.

Development of this site would otherwise be required to comply with the conditions of Case 06SN0191.

CONCLUSION

The proposed rezoning (Request I) conforms to the Route 288 Corridor Plan which suggests the property is appropriate for a regional employment center consisting of Light Industrial (I-1) uses as well as General Industrial (I-2) uses subject to appropriate access, buffering and land use transitions therefore staff recommends approval of Request I to rezone the property.

Staff recommends denial of the Conditional Use (Request II) to permit commercial uses on a portion of the request property without the restrictions as suggested in the Zoning Ordinance for commercial uses in industrial areas. These commercial uses will encroach into an area which is identified as a Regional Employment Center by the Route 288 Corridor Plan where office, research and development uses, warehouses and industrial uses are appropriate. While the Plan suggests small scale, retail uses incorporated into a larger development may be appropriate under certain circumstances, the proposal fails to comply with the criteria under which such uses would be appropriate.

CASE HISTORY

Planning Commission Meeting (3/20/07):

On their own motion, the Commission deferred this case to April 17, 2007.

Staff (3/21/07):

The applicant was advised in writing that any new or revised information must be received by March 26, 2007, for consideration at the April 17, 2007, meeting.

Applicant (3/22/07 and 3/29/07):

Revisions to the Proffered Conditions, Textual Statement and Exhibit were submitted.

Planning Commission Meeting (4/17/07):

The applicant did not accept the recommendation. There was support present complimenting the description of the project regarding open space and pedestrian access.

Mr. Gecker indicated the proposed I-2 zoning was consistent with the Plan (Request I); however, the proposal for the Conditional Use to allow commercial development along Route 60 is contrary to the recommendation of the Plan and represents typical strip commercial development. He also emphasized that the Economic Development Department did not support the Conditional Use.

On motion of Mr. Gecker, seconded by Mr. Gulley the Commission recommended approval of the rezoning (Request I) and acceptance of the proffered conditions on pages 2 through 5; and denial of the Conditional Use (Request II).

Mr. Cogbill indicated that the proffers would remain valid with the recommendation.

AYES: Messrs. Gecker, Gulley, Bass, Litton and Wilson.

Board of Supervisors' Meeting (5/23/07):

Mr. Sowder indicated that the applicants were submitting additional information to Economic Development for consideration and therefore a deferral would be in order.

On their own motion, the Board deferred this case to their July 25, 2007, meeting.

Staff (5/24/07):

The applicant was advised in writing that any significant new or revised information should be submitted no later than May 29, 2007 for consideration at The Board's July public hearing.

Staff (7/09/07):

To date, no new information has been received.

The Board of Supervisors, on Wednesday, July 25, 2007, beginning at 6:30 p.m., will take under consideration this request.

Rebkee Partners Westchester
Textual Statement
January 5, 2007
Revised March 6, 2007
Revised March 29, 2007

This application contains two exhibits described as follows:

Exhibit A – Plan titled “Zoning Plat, 79.8 Acres” prepared by Townes Site Engineering, and last revised 10/13/05.

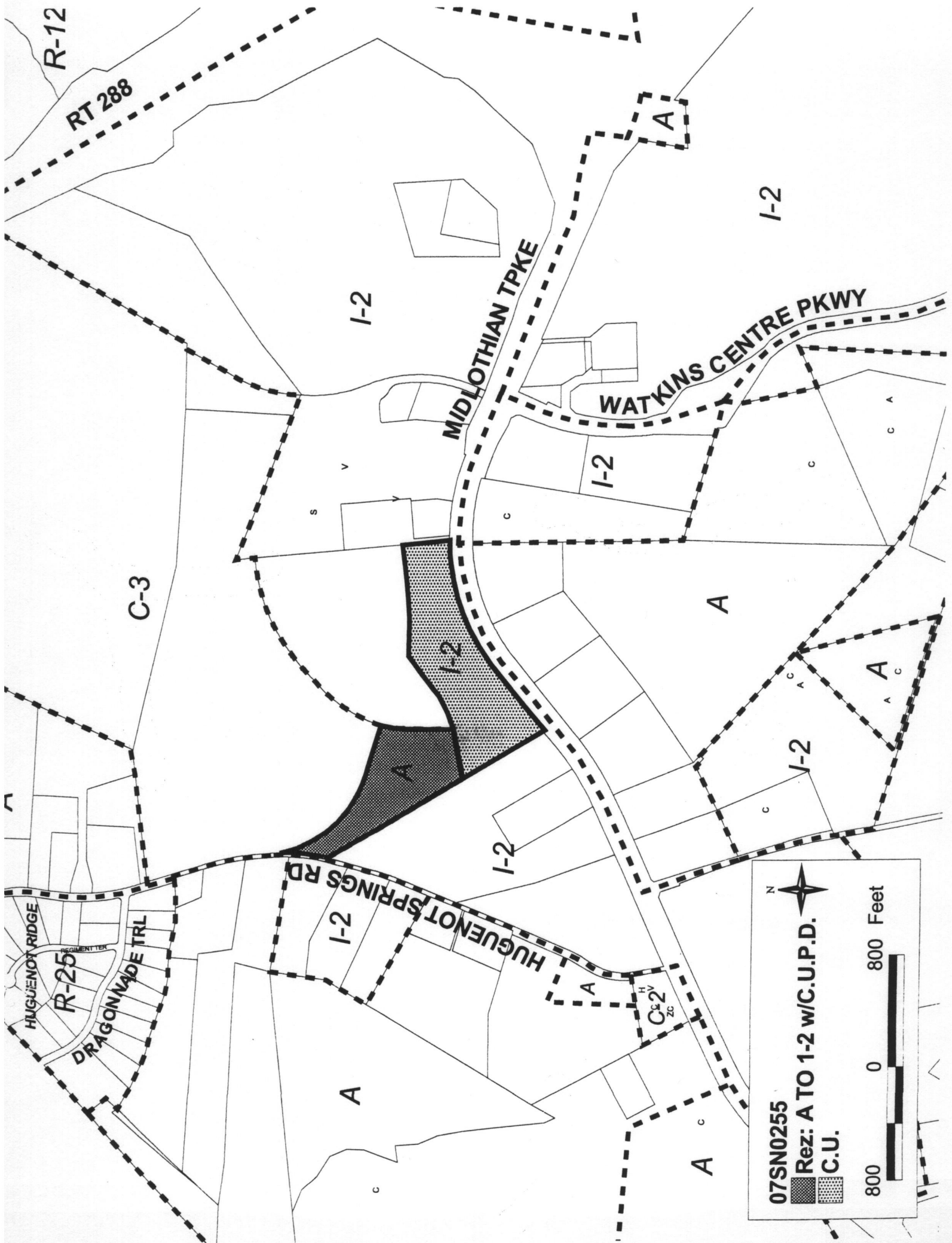
Exhibit B – Plan titled “Shoppes at Westchester West, Zoning Exhibit” prepared by Balzer and Associates, Inc., and last revised March 29, 2007.

1. Uses. Uses within the Parcel G as shown on Exhibit A (the “Property”) shall be limited to those uses permitted by right or with restrictions in the Light Industrial (I-1) District plus the following:
 - A. Electric transforming stations
 - B. Electrical transmission and distribution equipment, electrical industrial apparatus and other electrical machinery, equipment and supplies manufacturing
 - C. Furniture and fixtures manufacturing
 - D. Greenhouses, hot houses and plant nurseries
 - E. Ice manufacturing
 - F. Macaroni, spaghetti, vermicelli, rigatoni and noodles manufacturing
 - G. Mass transportation
 - H. Other fabricated metal products manufacturing not otherwise listed in the Zoning Ordinance
 - I. Other food preparations manufacturing not otherwise listed in the Zoning Ordinance
 - J. Signs and advertising displays – manufacturing
 - K. Satellite dishes for communication purposes
2. Development Requirements. Development on the Property shall comply with the Light Industrial (I-1) District standards of the Zoning Ordinance, as modified by the Employment Center District standards of the Zoning Ordinance.
3. Uses for the Conditional Use Area. Uses within the sixteen (16) acre tract shown on Exhibit B (the “Conditional Use Area”) shall be limited to those uses permitted by right or with restrictions in the Light Industrial (I-1) District except that:
 - A. The commercial uses permitted in the I-1 district may be located along Route 60 provided that:

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- (i) Development shall be oriented away from Route 60 to create an internal focus and to avoid typical “strip commercial” characteristics and to the extent possible, all buildings shall face toward the interior portions of the Property and away from Route 60.
 - (ii) Any canopy for any gasoline station/convenience store shall be located away from Midlothian Turnpike.
 - (iii) No parking shall be located between Midlothian Turnpike and any commercial building. This restriction shall not apply if the building is an office or industrial building with the commercial use located within the building. This restriction shall not apply to any drive aisle or access around the buildings.
- B. The commercial uses may exceed 30 percent of the gross floor area under construction or occupied by the permitted uses in the project (“Watkins Centre”).

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Rez: A TO 1-2 w/C.U.P.D.

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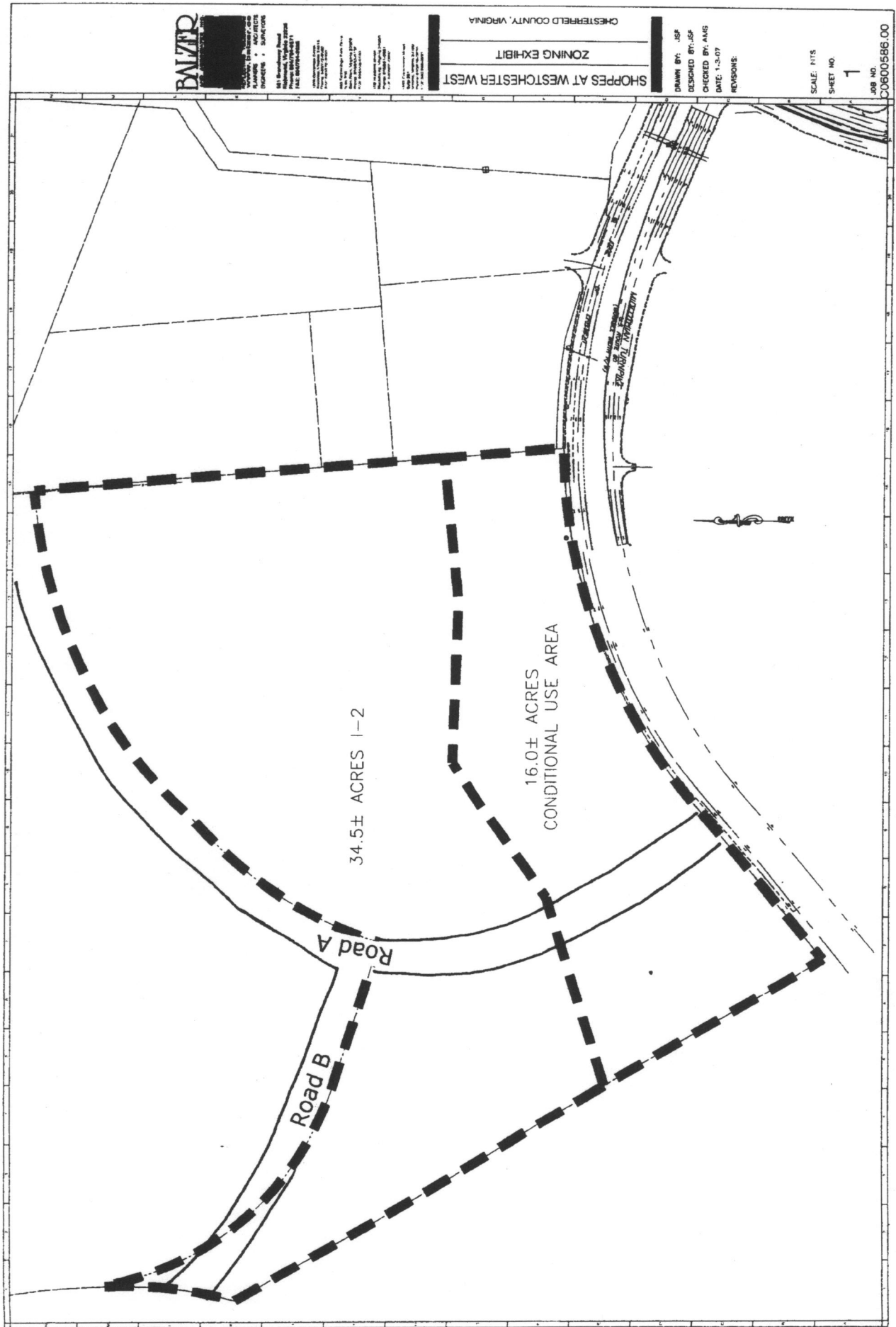


Exhibit B
 Revised March 29, 2007

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